

BEFORE
THE BOARD OF SUPERVISORS
OF THE COUNTY OF MADERA
STATE OF CALIFORNIA

In the Matter of

RULES OF THE MADERA COUNTY
BOARD OF SUPERVISORS

Resolution No.: 2008 - 108

A RESOLUTION AMENDING THE RULES OF
THE BOARD OF SUPERVISORS

BE IT HEREBY RESOLVED that the Board of Supervisors of the County of Madera, State of California, hereby amends the Rules of the Board of Supervisors, said amended Rules to read in their entirety as set forth on the attached Exhibit "A."

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The foregoing Resolution was adopted this 6th day of MAY, 2008,
by the following vote:

Supervisor Bigelow voted: yes

Supervisor Moss voted: yes

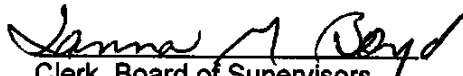
Supervisor Dominici voted: yes

Supervisor Rodriguez voted: yes

Supervisor Wheeler voted: ABSENT


Chairman, Board of Supervisors

ATTEST:


Clerk, Board of Supervisors

Approved as to Legal Form:
COUNTY COUNSEL

By 



EXHIBIT “A”

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RULES OF THE
MADERA COUNTY BOARD OF SUPERVISORS

1. PURPOSE

These rules shall apply to all proceedings and meetings of the Board of Supervisors of the County of Madera, whether sitting as the Board of Supervisors of the County or as the governing board of any other agency or district.

2. MEETINGS

(a) Regular Meetings. The regular meetings of the Board of Supervisors shall be held in accordance with Madera County Code Section 203.010. Meetings shall commence at 9:00 o'clock a.m. unless otherwise directed by the Chairman of the Board. The Board shall not meet on the fifth Tuesday of any month unless otherwise directed by the Chairman of the Board. All regular meetings shall be conducted in the Chamber of Madera County Board of Supervisors in the Madera County Government Center, 200 West 4th Street, Madera, California, or in such other location as may be designated by the Board as required by law. In the Chairman's discretion, regularly scheduled meetings may be cancelled.

(b) Special Meetings. A special meeting may be called at any time by the Chairman of the Board or by three (3) members of the Board. Notice of a special meeting shall be written and shall specify the time and place of the meeting and the business to be transacted. Such notice shall be delivered to or mailed and received by each member of the board and each local newspaper of general circulation and radio or television requesting notice in writing, at least 24 hours before the time of the special meeting. No other business beside that specified in the notice

1 shall be considered by the Board at a special meeting. The notice shall
2 be posted by the Clerk of the Board at least 24 hours prior to the special
3 meeting in a location that is freely accessible to the public.

4 (c) Adjourned Meetings. Any regular or special meeting of the Board
5 may be adjourned to a time and place specified in the order of
6 adjournment.

7 Less than a quorum may so adjourn from time to time. If all members of
8 the Board are absent, the Clerk may adjourn the meeting to a stated time
9 and place and shall cause a written notice of the adjournment to be given
10 in the same manner as is required for special meetings.

11 (d) Administrative Sessions and Information Hearings. The Board
12 may, from time to time, schedule administrative sessions and
13 informational hearings with the County staff or the public for the purpose
14 of receiving information on and discussing subjects of interest to the
15 Board. No action shall be taken on any item at any such meeting. Such
16 meetings may be called by the Board during any regular, adjourned, or
17 special meeting. Otherwise, such meetings shall be called in the same
18 manner as special meetings.

19 (e) Procedures for Board of Supervisors serving as Board of Directors
20 or Governing Body of Dependent Special Districts and Other
21 Public Entities.

22 (1) The Board of Supervisors shall serve as the Board of Directors of
23 all dependent special districts governed by the Board and as the
24 governing body of each and every public entity within Madera
25 County for which federal, state or local law require the Board to
26 serve as the governing body. When acting as the governing body,
27 the Board shall be referred to as the "Board of Directors."
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- 1 (2) The Board of Supervisors shall not conduct meetings as both the
2 Board of Supervisors and as the Board of Directors of a
3 subordinate or special district or other public entity. For clarity,
4 agendas shall separate matters heard as the Board of Directors
5 from matters heard as the Board of Supervisors.
- 6 (3) The Board of Directors of dependent special districts and other
7 public entities shall meet each Tuesday that is scheduled as a
8 regular meeting of the Board of Supervisors, and such regular
9 meetings of the Board of Directors shall be in the Chamber of
10 Madera County Board of Supervisors in the Madera County
11 Government Center, 200 West 4th Street, Madera, California, or in
12 such other location as may be designated by the Board as
13 required by law. Such meetings shall be listed in the agenda as
14 being meetings of the Board of Directors.
- 15 (4) Notwithstanding section (e)(3), the meetings of the Board of
16 Directors of the In Home Support Services Public Authority shall
17 be heard at 1:30 p.m. on the fourth meeting of each month.
- 18 (5) The Board of Directors may call and conduct special meetings
19 under the same procedures as special meetings of the Board of
20 Supervisors. Notice of any such special meeting shall refer to the
21 Board of Directors.
- 22 (6) Upon adjournment of the Board of Directors, the Board of
23 Supervisors shall immediately reconvene for purposes of taking
24 up any item related to the County of Madera's involvement in or
25 participation with the dependent special district or other public
26 entity, including but not limited to matters of financing, contractual
27 obligations, or indemnification. Such reconvening and conducting
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of business shall be conducted in accordance with the Ralph M. Brown Act (Government Code section 54950 et seq.)

3. **OFFICERS**

(a) **Chairman.** At the first regular meeting of each calendar year, the member who served as Chairman Pro Tem during the preceding calendar year shall be seated as Chairman. If for any reason the Chairman Pro Tem is unable to be Chairman, then the member who was next in order to be Chairman Pro tem during the preceding year shall be Chairman, provided that no member shall be Chairman who has not completed one (1) year of service on the Board. Prior interrupted service on the Board shall not be considered in satisfaction of this requirement.

The Chairman shall hold office for one (1) year and until the qualification of his or her successor. The Chairman shall be the presiding officer of the Board and shall have all lawful authority to preserve order at all meetings. The Chairman shall announce all matters as they come before the Board, shall restate all motions before they are submitted to vote, and shall announce the Board's vote on all subjects. Whenever the Clerk calls the roll, the Chairman's name shall be called last. The Chairman shall sign all ordinances, resolutions, minutes, contracts, and other documents when authorized to sign by the Board.

(b) **Chairman Pro Tem.** The Chairman Pro Tem shall be selected by rotation as follows: In 2008, the Chairman Pro Tem shall be the member representing District 4; in 2009, District 5; in 2010, District 1 and so on by district numerically. If for any reason a member is unable to serve when it is his or her turn, that district shall be skipped and the office shall fall on the member from the next numerical district in order. The Chairman Pro Tem shall be seated at the first regular meeting of each calendar year and shall hold office for one (1) year and until qualification of his or her

1 successor. The Chairman Pro Tem shall, in the absence of the
2 Chairman, have and perform all powers and duties of the Chairman.

3 (c) Administrative Officer. The Administrative Officer shall be the
4 chief executive officer of the Board and shall perform the duties
5 prescribed by law and County ordinance. The Administrative Office may
6 review and make recommendations on questions that come before the
7 Board.

8 (d) Clerk. The Clerk of the board of Supervisors shall perform the
9 duties prescribed by law and County ordinance.

10 (e) Legal Counsel. The County Counsel shall be legal counsel to the
11 Board and shall perform all duties prescribed by law and County
12 ordinance. The County Counsel shall act as parliamentarian.

13 (f) Officers shall serve in the same capacity during meetings of the
14 Board of Directors of special districts.

15 4. QUORUM

16 A quorum shall consist of three (3) members.

17 5. PROCEDURE

18 (a) The Chairman shall convene all meetings and shall call the
19 members to order. In the absence of the Chairman and the Chairman
20 Pro Tem, the Clerk shall convene the meeting and call the members to
21 order, whereupon a temporary chairman shall be selected by the
22 members present. The temporary chairman shall relinquish the chair
23 upon arrival of the Chairman or Chairman Pro Tem and after the
24 conclusion of the question then being considered by the Board.

25 (b) The Clerk shall enter the names of those members that are
26 present, absent or those who arrive late in the minutes.

27 (c) Items on the consent calendar shall be considered first and shall
28 be acted upon in one motion. Any member may request that any item be

1 removed from the consent calendar and placed on the agenda for
2 discussion.

3 (d) Items on the agenda shall be considered in order, except that the
4 Chairman may take items out of order when necessary to accommodate
5 persons appearing before the Board. Items scheduled for a particular
6 time shall be taken up as close to the designated time as is possible. In
7 no case shall a timed item be taken up before the designated time.

8 (e) The order of procedure at all public hearings and quasi-judicial
9 hearings shall be as follows: The County officer responsible for the
10 matter shall present his or her report and recommendation; all persons
11 wishing to speak in favor of the question shall be heard; persons wishing
12 to speak in opposition to the question shall be heard; rebuttal will follow.
13 No new matter may be introduced during rebuttal except with the consent
14 of the Chairman, in which case the opposition shall be given an
15 opportunity to rebut the new matter. The question shall then be
16 submitted to the Board for discussion and decision.

17 (f) Every agenda for regular meetings shall provide a time for
18 members of the public to directly address the Board on matters within the
19 Board's jurisdiction that are not on the agenda. Each speaker shall be
20 limited to three (3) minutes.

21 (g) The Chairman may reasonably limit the time allotted to any
22 speaker or party. Whenever any group of persons wishes to address the
23 Board, the Chairman may require that the group designate a spokesman
24 to represent the group before the Board.

25 (h) Any person desiring to address the Board shall first secure
26 permission from the Chairman. All persons addressing the Board shall
27 identify themselves. All statements shall be directed to the Chairman
28 and shall be relevant to the question then pending before the Board.

1 6. VOTING

2 The Board shall take no action except upon the affirmative vote of at
3 least three (3) members. Unless disqualified or absent, all members
4 shall vote on all questions coming before the Board. A member's silence
5 or abstention shall be recorded as an affirmative vote. Upon the request
6 of any member, the Chairman shall call for a roll call vote. Whenever a
7 roll call vote is requested the Clerk shall call the names of the members
8 in order by district, except that the Chairman shall be called last.

9 7. RIGHTS AND DUTIES OF MEMBERS

10 (a) When a member desires to speak, he or she shall address the
11 Chairman and be acknowledged. When two (2) or more members
12 address the Chairman at the same time, the Chairman shall designate
13 the member who will speak first. All members shall confine their remarks
14 to the question then under consideration.

15 (b) Every motion shall require a second. Discussion on a motion shall
16 not be permitted until the motion receives a second. Motions and
17 seconds may be made by any member of the Board, including the
18 Chairman.

19 (c) If any member is unable to attend a meeting, he or she shall notify
20 the Clerk as soon as possible and advise the Clerk of the reasons
21 therefore.

22 (d) No member shall be absent from the state for more than thirty (30)
23 days without the consent of the Board.

24 (e) If in the member's absence, the Board would lack a quorum, no
25 member shall leave his or her seat on the dais without first obtaining
26 permission from the Chairman.

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1 8. AGENDA

2 (a) The agenda for all Board meetings shall be prepared by the
3 Agenda Committee, which shall consist of the Chairman, the
4 Administrative Officer, the Clerk, the Resource Management Agency
5 Director, and the County Counsel. The Agenda Committee shall meet no
6 later than noon every Wednesday at a time and place designated by the
7 Chairman. Matters to be placed on the agenda for a regular meeting
8 must be received by the Clerk no later than noon on the Friday prior to
9 the Agenda Committee Meeting. After the Agenda Committee meeting,
10 the Clerk shall prepare the agenda and distribute it to the public.

11 (b) The Board shall not take action on any item that is not on the
12 agenda at a regular meeting, except under any of the following
13 conditions:

- 14 1. The Board, by majority vote, determines that an "emergency
15 situation" exists. An emergency situation means (a) work
16 stoppage or other activity which severely impairs public health,
17 safety or both, as determined by a majority of the Board, or (b)
18 crippling disaster which severely impairs public health, safety or
19 both, as determined by a majority of the board; or
- 20 2. The Board, by four-fifths (4/5) vote (or if less than four (4)
21 members are present, by unanimous vote) determines that there
22 is a need to take immediate action on the item and that the need
23 for action came to the Board's attention after the agenda was
24 posted; or
- 25 3. The item was on the posted agenda for a prior meeting which was
26 held not more than five (5) calendar days earlier, and at that
27 earlier meeting the item was continued to the later meeting.
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1 9. FINDINGS

2 Written findings shall be adopted by the Board as part of its decision
3 whenever required by law. After receiving evidence, the Board may continue
4 such an item to a future meeting for the adoption of written findings. The
5 Board's decision shall not be final until the findings have been adopted.

6 10. ADVISORY COMMITTEES, APPOINTMENTS AND OFFICERS

7 The Board may appoint such committees as it deems necessary to
8 advise the Board. The qualifications of persons appointed to such committees
9 shall be as prescribed by the Board. All such persons shall serve at the
10 pleasure of the Board and may be removed at any time by the affirmative vote
11 of four (4) members. Any of the Board appointed or assigned by the Board to
12 any office or responsibility may be removed by the affirmative vote of four (4)
13 members.

14 11. ROBERT'S RULE OF ORDER

15 Except as herein otherwise provided, the most current edition of Robert's
16 Rules of Order shall constitute the rules of order of the Board.

17 12. AMENDMENT

18 These rules may be amended from time to time by the Board; provided,
19 however, that no amendment shall be voted upon until the meeting next
20 succeeding the meeting at which the proposed amendment was introduced
21 without the affirmative vote of four (4) members.

22 13. FAILURE TO FOLLOW RULES

23 Failure to follow these rules shall not invalidate or otherwise affect any
24 action or decision of the Board.

25 14. HEARING CONTINUANCES

26 (a) As a matter of courtesy and fairness the Board shall offer to
27 continue a scheduled noticed public hearing on any planning or zoning
28 matter to a later date if all eligible Board members are not present for the

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scheduled hearing. This offer may be accepted by the applicant(s) or appellant(s) in the matter and the Board shall then continue and reschedule the matter to a certain date and time.

Except as to continuances described in subsection (a) above, the granting of requests to continue scheduled public hearings is discretionary with the Board.

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